Western Carolinian.

It is even wise to abstain from laws, which however wise and good in themselves, have the semblance of inequality which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grafting laws on conscience.

Dr. Channing.

[BY BURTON CRAIGE.] SALISBURY, ROWAN COUNTY, N. C....MONDAY APRIL 1, 1838. [VOL. XIII....NO 639.

TERMS

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HOUSE OF REPRESENTATIVES.

SPEECH

OF Mr. CARSON, OF N. CAROLINA.

On the bill further to provide for the collection of Duties on Imports

Mr. CARSON, proceeded with his remarks on the merits of the bill, nearly as follows:—Mr. Speaker, it was my opinion, that this bill, according to the rules of the House, ought to be committed, and that opinion remains unchanged;—but, from the obvious majority of the number of those who think it ought not to be committed, I find that it would be perfectly unavailing to contend for its committal; and I therefore withdraw my motion. I rise, sir, to perform a duty—a most solemn duty—such as it has never fallen to my lot heretofore to perform. It is a duty which I will fulfil—but, I shall do it with the deepest, the most heart-felt regret. It is my duty on this occasion, Sir, to part company with a number of gentlemen with whom it has been both my pride and my pleasure, heretofore, to act. I have to separate myself from those gentlemen; I am perfectly aware that it will operate as a banishment of myself from the cause of a man whom I have delighted to honor; of a man whom I have ever served, if not with the ability of some of his friends, yet certainly with as much zeal, with as much affectionate devotion, as a son could serve his father.

Yes, Sir, I never had my feelings so much devoted to any individual, unconnected with me by ties of blood, as they have been to Andrew Jackson. But the time has come, Sir, when we must part.—Lear parted with his Cordelia, and divided his estate between his Regan and his Goneril, because they were more vociferous in their profession of filial affection and devotion than Cordelia. Yes, Sir, he banished also the honest Kent from his councils. The difficulty with me has been, not how I shall punish the faults, but how I shall conceal the failings of the man I have thus loved. I would rather hide them than expose them, I assure you. But this bill, I cannot hide, that proclamation I cannot conceal. It met me, Sir, on my way here, and God knows the feelings of my heart when I saw that the line of separation betwixt that man and my self, I speak politically, was drawn forever. I felt it not as my own misfortune only; I looked upon it as the misfortune of the American People. Yes Sir, that man, with the popularity he possesses, could have done more towards establishing, on a permanent basis, the liberty and happiness of this country, than any man since the days of Washington. And, Sir, as his ability to do good was great, so was his ability to do evil, to injure the liberties of the people. That injury, I do solemnly believe, as I now declare here before God, that evil is about to be done by the passage of the bill before the House. I hope I may be mistaken; but such is my firm conviction of the injurious effects which this bill will produce if passed, that I cannot consent to give a vote against it, without stating some of the reasons which induce me to hope that it will not pass.

I will first, Sir, address a word of advice to those gentlemen with whom I have heretofore acted, and who conceive it to be their duty to vote for this bill, because it is a measure of executive recommendation. Those gentlemen have, in my opinion, a preliminary duty to perform before they give their votes in favor of this bill; yes, Sir, before they take another step in this measure It will be recollected by gentlemen that, in 1827, when the gentleman before me, (Mr. Adams,) held the executive office of the nation, a message was sent to Congress relative to the execution of a treaty with the Creek Indians. In that document there was a kind of squinting, (if I may be allowed the term,) at the employment of force, it spoke about a superadded obligation. And what was the conduct on the occasion, of these gentlemen who then acted with me? Why, Sir, we pounced on the offensive document like hungry pikes on a roach; we were ready to heap every term of political reprobation on the man who had assumed even the existence of such principles. I have the document before me; here it is: dated the 5th of Feb. 1827; and I will ask the Clerk to read the extracts from it, which I have marked.

[The clerk of the House read accordingly. We give the latter part of the extract entire, as bearing more particularly on the argument of the speaker. After treating of the two processes provided by an act of Congress for the punishment of infractions of Indian treaties, the message thus proceeds:]

"Entertaining no doubt, that in the present case the resort to either of these modes of practice, or to both, was within the discretion of the Executive authority, and penetrated within the duty of maintaining the rights of the Indians, as secured both by the treaty and the law, I concluded, after full deliberation, to have recourse on this occasion in the first instance, only to the civil process. Instructions have accordingly been given by the Secretary of War, to the Attorney and Marshal of the U. States, in the District of Georgia, to commence prosecution against the surveyors complained of as having violated the law, while orders at the same time had been forwarded to the agent of the U. States, at once to assure the Indians that their rights, founded upon the treaty and the law, are recognised by the government, and will be faithfully protected; and earnestly to exhort them, by the forbearance of every act of hostility on their part, to preserve unimpaired that right to protection, secured to them by the sacred pledge of the good faith of this nation. Copies of these instructions & orders are herewith transmitted to Congress.

"In abstaining at this stage of the proceedings, from the application of any military force, I have been governed by considerations which will, I trust, meet the concurrence of the Legislature. Among them one of paramount importance has been, that these surveyors have been attempted, and partly effected, under color of legal authority from the State of Georgia. That the surveyors are therefore not to be viewed in the light of individual and solitary transgressors, but as the agents of a sovereign State, acting in obedience to authority which they believed to be binding upon them. Intimations had been given that should they meet with interruption, they would, at all hazards, be sustained by the military force of the State, in which event, if the military force of the Union should have been employed to enforce its violated law, a conflict must have ensued, which would, itself, have inflicted a wound upon the Union, and have presented the aspect of one of those confederated States at war with the rest. Anxious above all, to avert this state of things, yet, at the same time, impressed with the deepest conviction of my own duty to take care that the laws shall be executed, and the faith of the nation preserved, I have used, of the means entrusted to the Executive for that purpose, only those which, without resorting to military force, may vindicate the sanctity of the law, by the ordinary agency of the judicial tribunal."

It will be perceived, Mr. Speaker, that in the first part of this extract, it was said, by the then executive, that he abstained from the employment of force, because he says, the individuals charged were employed in an act which they did under the law of a sovereign State, and who beleived that they were doing their duty. I was going to say to the gentlemen who acted with me on that occasion, who condemned and reprobated that message in no measured terms; but who are in favor of the present bill, before you vote for this bill go to the gentleman whose conduct you so unsparingly blamed; acknowledge your error and ask his pardon for your misconduct. It is due to ourselves, and it is due to him, that you should do so. Compared with the present bill that measure was nothing. And yet gentlemen can not have forgot the excitement which was produced here by the latter. Every one must recollect the able report made in the Senate, by a distinguished friend of mine from a committee consisting of Messrs Benton, Berrien, Van Buren, Smith of South Carolina, and Harrison. I need not remind gentlemen, that on that occasion, the Executive abstained from sending a force to coerce its principles.

I have, Mr. Speaker, compared the bill before us with the alien and sedition law; which, though passed by a majority of Congress, was virtually repealed by the American people. But, sir, that law dwindles into utter insignificance, compared with this. And I think I can prove this so plainly, by a reference to the respective laws, that comment will be useless. I need, however, hardly refer to the alien and sedition law. [Considerable noise and confusion prevailing in the hall, Mr. Carson said,] I am compelled to ask the Chair, as I wish at least to hear myself, to enforce the rules of order. I have seen the time, Sir, when my health and strength would permit me to fill this hall. I cannot do so at the present time, but, I wish to be heard; I most earnestly wish to draw the attention of members to the reading of a portion of the alien and sedition law; because it is my wish to compare it with the present bill.

[Here Mr. C. read an extract from the alien and sedition law.]

Now, Mr. Speaker, that act referred the judgment of offenders against its provisions to the courts; it provided that a man should be tried by his peers; it preserved, in fact, the great principle of trial by jury. But what says the present bill? After defining what is an offence against its provisions, does it send the offender to the courts—to a jury? No, Sir, it sends at once, the sword. It gives power to the whole military and naval force of the country, to coerce its provisions. Let us look at this bill. It provides "that whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, against officers of the U. States, it shall become impracticable, in the judgment of the President, to execute the revenue laws, and collect the duties on imports in the ordinary way, in any collecting district, it shall and may be lawful for the President to direct that the custom house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel, and, in that case, it shall be the duty of the collector to reside at such place, and there to detain all vessels and cargoes arriving within the district, until the duties imposed on said cargoes, by law, be paid in cash, deducting interest according to existing laws, and in such cases it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any forces, or combination, or assemblage of persons too great to be overcome by the officers of the customs, it shall and may be lawful for the President of the United States or such person or persons as he shall have empowered for this purpose, to employ such part of the land and naval forces of the United States as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo and protecting the officers of the customs in retaining the custody thereof."

'As may be deemed.' May be deemed by whom? Why by the President, or by such other person as he should empower. Now, sir, the sedition law refers a judgment under its provisions to the judicial tribunals of the country; but this bill puts it in the hands of individuals—to do what? To take hold of individuals offending?—No Sir. It gives them the liberty to run roughshod over the rights and liberties of a sovereign State. And under what circumstances is this bill produced? Any man, who is not totally blind, must have seen from the first its object; but if any doubt had remained on our minds, it must have been dissipated by the declaration made by the member from South Carolina, (Mr. Blair, as the reporter understood)—Yes, he, who is a son of South Carolina—who is indebted to her for his birth, for his existence at this moment—he has told you that this bill must be passed, because it is important and necessary to heal the wounds of a minority in that State.

Mr. MITCHELL did not understand his colleague so to have expressed himself.

Mr. CARSON resumed. The member from S. Carolina did say that it was important to the Union party that this bill should pass. And what for? Why, to give to a collector of the revenue the power to call out the whole naval and military force of the country to put down the majority of a people of a State, exercising a sovereign right of their own State. Is it not the object of the bill to put down South Carolina? Is it not the object of the Proclamation? And I would here admonish gentlemen to beware how they give such a power to any one. It is now to be employed to put down South Carolina; but may it not hereafter be employed to put down Massachusetts, or some of the northern States of this confederacy? It may be remembered that the legislature of the State I have last named, have recently passed a law, which may be thought to squint pretty much towards nullification: It may not, indeed, at present, be either a "weazel" or a "whale," but let me, I say, admonish gentlemen, that the time may come when they themselves will be lashed by the very weapon which they would now put in the hands of the Executive.

A gentleman from New York, on my right, (Mr. Beardsley,) in the course of the remarks which he made on this subject, displayed much of the sophistry of the lawyer; and he will pardon me for saying that his arguments were, in my humble opinion, far better suited for the arena of a country court than for the halls of the legislature. It had been said by the gentleman from South Carolina, (Mr. M'Duffie) that he thought, should the olive branch be now held out, the wounds of disunion and discord might be healed. The honorable Senator from South Carolina, in another branch of the legislature, had said the same thing. But the member from New York says, these gentlemen do not represent the sovereignty of South Carolina. Her Convention only can do that. But what do the New-York papers say? They tell us it is Hamilton, M'Duffie, Calhoun, and Hayne, who have led the people into error and that they ought to suffer—yes, they ought to suffer! Suffer what? Why, Sir, as a matter of curiosity, I will show you how, and in what manner, some people in the State from which the gentleman comes, to whom I have alluded, think these gentlemen ought to suffer. I have a letter here, Mr. Speaker—it is directed to J. C. Calhoun, and dated Benton Centre, N. Y.—My honorable friend, to whom it was directed, was about to throw it into the fire, but, at my request, it was preserved.—Well, Sir, here it is. It contains, as gentlemen may see [Mr. Carson displayed the gallows, and a representation of men suspended; in the back ground coffins are waiting for the reception of their bodies.—It is a production of genius, Mr. Speaker, and ought, in my opinion, to be preserved in company with the coffin hand bills.—However, the latter may serve to show that it is the opinion of some persons in the State from which the gentleman (Mr. Beardsley) comes, that these leaders have had the power to do much that is evil.—Well, Sir, I have another letter. It contains nothing in writing, but encloses a lock of hemp. [Mr. C. here unfolded the letter, and produced the piece of hemp.]

Mr. BEARDSLEY inquired if that letter was from N. York?

Mr. CARSON replied, no sir; it is not from N. York.

I am asked for the postmark, I will tell it. It is from Salem, Tennessee. But believe me, Sir, I blush when I name it—yes, I blush that a daughter of North Carolina should have one individual capable of sending such a letter. I yet hope there is but one man within her limits who could do it. This, however, is evident, that although it was thought, or affected to be thought, that the leaders of South Carolina, in her noble struggle for her rights, might do all the mischief; yet, that to restore peace and harmony they could do nothing; that their opinions and their words ought to go for nothing. If gentlemen can build their arguments on such flimsy pretexts as these, let them—it is no thing to me.

It is unnecessary, Mr. Speaker, that I should enter into a discussion of the question of State sovereignty. That question has been pretty much exhausted in another branch of the Legislature. I have before me, Sir, the official documents of Washington. Throughout the whole he speaks of the States as the United States. I challege any gentleman to find the word "national" in any part of them. No, sir, he always speaks of the States either as the confederated republic, or as the United States. I have also before me the opinion and language of Alexander Hamilton, and the other federalists of by gone days. Alexander Hamilton states, in express terms, that the States have not parted with their sovereign characters, but have delegated certain powers to the General Government. I have been, Mr. Speaker much troubled in my mind on this subject; and have sought information from all for whose opinion I felt respect. For this purpose I have written to several gentlemen whose experience or character might be supposed to give just weight to their judgment. Among others, I wrote to Mr. Macon the venerable and venerated patriarch of my own State. I have received a letter in answer, which I do not wish to make public, but from which I will read some extracts. [Mr C. here read a portion of the letter of Mr. Macon, in which he deprecated the resort to force, and declared his opinions that secession was the rightful remedy for the oppression which the south had so long endured: and that secession was the course which she ought to have adopted.

Mr. C. resumed.—Are not these, Mr. Speaker, the words of wisdom! The same opinion is entertained Sir, and the ancient and unterrified commonwealth of Virginia, is waking up under the influence of her distinguished son, John Randolph, of Roanoke. She will see, that she has been too backward in this. And when she wills it, it will be so. If Virginia, instead of South Carolina, had taken the lead, this distracting question would have been settled long ago. But she will not now feel herself humbled to follow in the lead of South Carolina. Virginia has witnessed the gallant band of intellect and patriotism which has come forth in South Carolina, and it will be her delight to join them. Russia has her Poland, Mr. Speaker: England has her Ireland; and this Government may have her South Carolina shall it persist in its injustice, to place it in the same predicament, with the tyrrannies of Europe. Yes, Sir, and it will be a matter of philosophical speculation, should you succeed in desolating her fields, and slaughtering her sons—it will even then be a matter of Philosophical speculation, whether South Carolina ought not to feel proud, that her patriotic and intellectual sons had gone to a premature grave, rather than that they should have lived through an eternity of bondage.

I apprehend, Sir, that this bill must pass, because it is thought necessary to do something for the Union party in South Carolina. It is due to them, perhaps. South Carolina has many distinguished sons. There are gentlemen whom I highly respect, who belong to the Union party. I believe their intentions are good, and motives honorable; but I regret that even from them, a wish should come for a bill like the present, and which is to operate against their own State.

I am reminded, Mr. Speaker, of some beautiful lines by the Poet Moore, in relation to Ireland. Speaking of her distinguished sons, as looking to England for aid and office, he says,

"Unpriz'd are her sons, till they've learn'd to betray,
Undistinguished they live if they shame not their sires,
And the torch that would light them through dignity's way,
Must be caught from the pile where their country expires."

If North Carolina, Sir, had nullified, and I had been opposed to the doctrine, and to her action upon it—if the majority of my State han thought proper to determine that, as far as regards themselves, the Union should be resolved into its original elements, and that they would take back the delegated powers which they had granted to the General Government, I, sir would have bowed with submission. I would have scorned to ask the aid of the federal power against my own State, to put down my mother, and trample on parental authority.

I have thought much—I feel much on the subject—but I am too feeble to sustain it longer now by argument. This is, perhaps, the last time, that my voice will be heard in this hall. At the breaking up of this session of Congress, it is probable I shall part with many gentlemen, never to see them again. Feeling, Sir, as I do, that the frailty which is incident to human nature, attaches as much to myself as to any one, I fear I may have acted or spoken, on some occasions in this hall, so as to wound the feelings of others. If so, I will take this occasion, perhaps, as I have said the last I shall have, to request that they will hold nothing in the shape of an ill feeling against me in their hearts, for before God I protest I hold nothing in mine against them. I regret that on this occasion in particular, I should be compelled to differ with my friends; but if we must differ, let us differ like men, and meet each other with an honest determination in our minds to support our opinions to the utmost; whilst in our hearts we have no other feelings but those of good will and fellowship towards each other.

REMARKS OF MR. ROOT, OF NEW YORK.

Mr. ROOT, of New York, after several preliminary observations, and adverting, rather pleasantly, to what had fallen from other gentlemen in the course of the debate, observed that he rose chiefly to expose some of the anti-republican and despotic principles contained in the first section of the bill. The first section, he said, provides that whenever in the judgment of the President, it shall become impracticable to collect the duties in the ordinary way, in any collection district, "by reason of unlawful obstructions, combination, or assemblages of persons," he may direct that the custom house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessel." Whether the security of the place where this newly established Custom House is to be located, either upon terra firma, or upon the wave, is to be determined and designated by the President himself, or by some subaltern or agent, does not appear by the bill; but at all events, the designation of the place as well as its security, and the necessity of such removal and designation, is to be determined by the arbitrary will of some one. That will is the law and the law giver executes the deed. Whenever the President shall have formed his judgment, no matter upon what evidence or whether upon any that an unlawful combination to obstruct the due execution of the revenue laws, does exist in any collection district, in any part of the United States, not confined to South Carolina alone, and a secure place shall have been designated for a floating or stable custom house, it is made the imperative duty of the collector to reside there, and "to detain all vessels and cargoes arriving within the said district, until the duties imposed on said cargoes, by law, be paid in cash." Thus, on the change of location of the Custom House under this act, differing from a change which may now be made by law by the Secretary of the Treasury, whenever the safety of the revenue may require it, the collector is bound to detain a vessel and cargo arriving in any part of that district and compel the payment of cash duties. When, in the opinion of one man, there exists in any part of any collection district of the United States an unlawful combination or assemblage of persons, to obstruct the due execution of the revenue laws, the custom house must be removed—must be removed to a "secure place," and there cash duties must be paid.—For an offence, or contemplated offence, in any part of the district, and that perhaps existing only in the imagination of a single individual, the known laws of the land are to be changed and made penal, and that penalty inflicted upon an innocent victim of its despotic action. The owner or consignee of a vessel and cargo arriving in port, intending in good faith to pay the duties as required by law—having their sureties ready to give the requisite bonds, and not being in funds to pay the cash, is met by the collector or his agent, his vessel and cargo seized without process of law, and taken to the "secure place," and there detained until the duties imposed upon the cargo be "paid in cash." This penalty, for it is a penalty, notwithstanding the interest is to be deducted, to be compelled to pay in cash when a person is not prepared for the unexpected event,—this penalty, said Mr. R. is inflicted upon an innocent person, acting in strict conformity to the known requirements of law, and conscious of any offence against the revenue laws having been perpetrated or contemplated within the district, and wholly unable to conjecture the operations on the mind of the President.

But this is not all. If the owner of the vessel and cargo shall be unable or unwilling to pay the cash required by this arbitrary act, unknown to the laws; if, in his love of liberty and the rights of property, he should repose himself upon the fourth article of the amendments to the Constitution, wherein it is declared, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be" searched, and the persons or things to be seized "if he should, feel disposed to seek redress for this supposed act of lawless violence; and if, in seeking that redress, he should apply to a court of competent jurisdicton of that State to which he owes a paramount allegiance, and whose protection he has a right to claim; and suppose this to be done without reference to the late replevin law of South Carolina, made to carry into execution her nullifying ordinance, but in the usual course of practice in such courts—by detinue or replevin—according to the course of the common law or pratice of the State courts—and if, in the execution of the proper process, it should become necessary for the Sheriff to call to his aid the power of the country; then follows the tremendous sanction intended to be provided by the bill; a sanction no less terrible than a declaration of war; and that, too, against a "free, sovereign, and independent State." That declaration of war is to be made by the President alone, while, by the Constitution the power "to declare war" seems to be the peculiar attribute of Congress. I call it a declaration of war, said Mr. R. because it provides a military armament, in opposition to the execution of process issued out of State courts. It is not the military force authorized by the Constitution, to be called forth "to execute the laws of the Union, suppress insurrections, and repel invasions; but a mixed band of mercenary soldiers and sailors, whose office and whose duty it is implicitly to obey the will of a despotic commander. This combined land and naval force is not provided to aid in the execution of the laws of the Union, but to aid in resisting the judicial authorities of a State. Were a judicial decree of a court of the United States to be executed, the militia might rightfully be called forth to aid in its execution. Were some Executive act to be done, in case of resistance, the militia might be called upon to aid in its enforcement. But here, embattled legions of mercenary soldiers are to be arrayed to prevent the execution of laws, or the service of the process of courts. There is no Executive act to be done to the devoted vessel and cargo, while she lies alongside the dock or floating custom house.—There is no act to be done by the collector, which requires the action of military power.—There is no action upon the vessel and cargo provided by the bill. Nothing but detention till the cash duties are paid. There is, then, no act to be enforced—nothing to which the military force can be applied—to which the bayonet may be pointed. No movement but that of the sheriff and those he may have called to his aid. Against this power, this "combination" and "assemblage of persons," rightfully executing the process of a State court, this war is to be waged. The sheriff acting in obedience to the laws of his State and the mandate of his court, and not knowing of any contravening law, because there is none in existence, is fired upon and slaughtered by the minions of despotic power.

The subsequent sections of the bill, said Mr. R. may be well enough; they are mostly of a judicial character. The President informed us, at the opening of the session, that he had law enough to meet any emergency which might grow out of the then existing state of affairs with south Carolina. Soon afterwards, her Legislature, in order to carry into execution her Ordinance of Nullification, passed her repleviu law. This requires no counteracting law on the part of the General Government. The succeeding sections of this bill provide for that contingency. South Carolina planted her batteries to repel our fiscal attacks. It is met by a similar armament. The Committee of this House have reported a bill containing these provisions as adequate, and the only means necessary, for the occasion. Whether we pass that bill, or the sections of the same character in the bill from the Senate, is quite immaterial—they are substantially the same.

South Carolina, by her ordinance, has declared that certain acts of Congress are unconstitutional, and therefore null and void. Her statesmen, advocating this measure are called nullies—nullifiers. We too are about to declare, by the third section of this bill, that on the service upon the clerk of a State court, of a writ of *certiorari*, *habeas corpus cum causa*, sued out of a circuit court of the United States, whether

return be made thereto or not, the proceedings in the state court are "deemed and taken to be moved to the said circuit court and any further proceedings, trial or judgment therein, in the State court, shall be wholly null and void." Are we then about to become nullies? nullifiers? Here is nullification against nullification—to be tried in a judicial combat—which party are the rightful nullifiers. Let your courts pronounce their decrees of nullification; and then, if a military force shall be necessary to aid in the execution of their decrees, call it forth. Then if the President shall require any additional enactment, let it be made. Arm him with sufficient power to perform all the duties required of him by the Constitution—but give him no unnecessary, no arbitrary and despotic power. I presume he will not exercise the power if you give it to him. The olive branch, the compromise tariff bill, will probably allay the excited feelings of the south. There will be no need, in the opinion of any one, of waving the bloody flag. I would not give despotic power to any man, however mild, however dove-like may be his disposition. I never approved the conduct of him who offered the crown to the modest and blushing Cromwell. Cæsar too declined the proffered honor. It should not have been pressed upon him.

Mr. R. said, it had been attempted, and that from high authority, to justify or excuse the despotic features of this bill by limiting it to the act for the enforcement of the embargo, passed in 1807, during the administration, of the illustrious Jefferson, that apostle of democracy. Had any act been passed during his administration granting to him despotic powers, & had it been approved by him, as much as I loved & venerated that great & good man, I should not have approved the deed. I loved the man, but I loved my country more. But the act to enforce the embargo was utterly unlike the provisions of the Bill now under consideration. That gave the President the employment of the land and naval forces to prevent the escape of vessels out of the jurisdiction of the courts A sort of ne exeat requiring something more than ordinary judicial process to prevent a departure from its jurisdiction. That provided for retaining them within the jurisdiction of the courts, there to be tried, if offending, according to the known rules of law. This provides for the conviction and punishment of the victim, without trial by either judge or jury, without the privilege of confronting his accuser, or bringing witnesses in his defence.

This bill, said Mr. R. has had several of its sharp points knocked off. The Senate has made several amendments to it favorable to liberty and the rights of the citizen, since it came from the Executive though. Still, Mr. Speaker, there are objectionable provisions yet left in the first section. Before I can consent to vote for it even as it is, I must surrender those democratic principles—that sacred love of liberty which I have cherished from my early political youth. Shall I sacrifice my better judgment at the shrine of despotic power? Never, never let the annals of political history be blotted with so foul a stain. Never let my childrens' cheek be crimsoned by an invidious finger pointing to the journal of this House, and saying there stands recorded your fathers vote, surrendering to power the liberties of his country. Vote for that section! No, sir! Such a proposition would have caused a blush upon the cheek of federalism—ultra federalism, in its proudest and most unblushing days.

CONVENTION OF S. C.

The convention met pursuant to adjournment;

Thursday, 14th March, 1833.

The Committee of 21 not being yet prepared to make a further report, obtained leave to sit again.

Friday, 15th March.

Judge Colcock presented the report which was yesterday recommitted to the Committee of twenty one, Judge Harper on the part of the same Committee made a further report and Ordinance, in relation to the Act of the late Congress entitled "an act further to provide for the collection of the duties on imports." Gen. Hamilton made a report on the part of the Committee on the subject of the mediation of Virginia.

The following resolution was then introduced by Gen. Hamilton, to wit:

Resolved, That whilst this Convention, as an offering to the peace and harmony of this Union, in a just regard to the interposition of the highly patriotic common wealth of Virginia, and with a proper deference to the united vote of the whole Southern States in favour of the recent accommodation of the tariff, has made the late modification of the tariff approved by act of Congress of the 2nd March, 1833, the basis of the repeal of her Ordinance of the 24th November, 1832.—Yet this convention owes it to itself. to the people they represent, and the posterity of that people, to declare that they do not, by reason of said repeal acquiesce in the principle of the substantive power existing on the part of Congress to protect domestic manufactures: and hence, on the final adjustment in 1842, of the reductions, under the act of the 2nd March, 1833, or at any previous period, should odious discriminations be instituted for the purpose of continuing in force the protective principle, South Carolina will feel herself free to resist such a violation of what she conceives to be the good faith of the act of the 2nd March, 1833, by the interposition of her sovereignty, or in any other mode she may deem proper.

This resolution was also ordered to be printed, and made the order of the day for to-morrow. R. Barnwell Smith, Esq. moved to append to it the following resolution which was agreed to, to wit.

Resolved, That it is the opinion of this Convention, that the military preparations heretofore begun by the State should be continued, and that effectual measures should be adopted and completed, for putting the State in a firm attitude of defence.

Saturday, 6th March.

The report and Ordinance on the Force Bill which had been made the order of the day were then taken up. The Report and Resolutions relating to the Virginia mediation was agreed to.

The Committee to whom was referred the act of the Congress of the United States, entitled "An act further to provide for the collection of duties on imports," beg leave to

REPORT:

That they have, so far as time would allow, considered the Act with such attention as the importance of the matters contained in it would seem to require. At the present moment, when a question, which has long divided and perplexed the country, has been adjusted, on terms calculated to quiet agitation and restore harmony, it would have been matter of peculiar gratification to be able to indulge, without restraint, the feelings which such adjustment was calculated to excite. But your Committee regret to say, that at the moment of returning peace, the most serious and alarming cause of dissatisfaction has been afforded by the act under consideration. Your Committee do most solemnly believe that the principles sought to be established by the Act are calculated, when carried into practice, to destroy our Constitutional frame of Government, to subvert the public liberty, and to bring about the utter ruin and debasement of the Southern States of this confederacy.

The general purpose of the whole act, though not expressed in the terms of it, is perfectly well known to have been to counteract and render inefficacious an act of this State, adopted in her sovereign capacity, for the protection of her reserved rights. Believing, as we most fully do, that the power attempted to be exercised by the State, is among the reserved powers of the States, and that it may be exercised consistently with the Constitution of the United States, an opinion formed by the good people of this State, upon the fullest and most careful consideration, and expressed through their Delegates in Convention, your Committee must on that ground alone, have been convinced that the purpose of counteracting that act, and the means by which it is sought to be counteracted, are unauthorized by the Constitution. We think that this will become more apparent by attending to the leading provisions of the act of Congress.

The act gives to the President of the United States, for a limited time, an almost unlimited power of control over the commerce of the whole United States; though certainly the power was only contemplated to be exercised against that of S. Carolina.

It exempts property in the hands of the officer of the revenue, alleged to be detained for enforcing the payment of duties, from liability to the process of the State Courts.

It exempts a class of persons residing within the State—officers of the United States, and persons employed by them or acting under their direction, or any other person professing to act in execution of the revenue laws—from all responsibility to the State laws or State tribunals, for any crime or wrong, when it is alleged that the act was done in execution of the revenue laws or under color thereof.

It gives to the same class of persons the right to seek redress for any alleged injury whatever, either to person or property, however foreign to the proper subjects of the jurisdiction, in the Courts of the United States, provided the injury be received in consequence of any act done in execution of the revenue laws.

It directly supposes all the Courts of the State, to be inferior & subordinate to those of the United States, and provides for rendering them so, by directing to them the writ of *certiorari* superceding their jurisdiction.

It affects to limit and controul the jurisdiction of the courts of the State; providing for the removal of causes from their cognisance; declaring their judgments void, and providing for the discharge of persons confined under their process.

It tyrannically provides for rendering persons liable to punishment for acts done by them in execution of the laws of the State and the process of its courts, to which they are bound to yield obedience and which they are compelled under the highest sanctions, to enforce.

It not only provides for the punishment of persons thus acting by the civil tribunals, but authorizes the employment of military force, under colour of executing the laws of the United States, to resist the execution of the laws of the State; superceding with the quick execution of the sword, the slower process of courts.

The Act authorizes the confinement of persons in unusual places; which can only mean on board ships; in which persons from the most remote parts of the State may be confined.

The committee believe that all these positions are distinctly sustained by the act in question. By the Constitution of the United States, the power to regulate commerce, is given to Congress. It is an important portion of the Legislative power, and as legislative power, is incapable of delegation. Congress has however, in effect, delegated to the President, the power to abolish at his discretion, any port of the United States, or interrupt or destroy its commerce. This may easily be effected, under the authority to remove the custom house to any port or harbour within the Collection district, by fixing it at inconvenient or inaccessible places. To say nothing of the unusual and tremendous character of this power, which New York or Philadelphia might perhaps apprehend, if there were any expectation of its being exercised with respect to them, and the enormous abuse to which it is liable, does the constitution contemplate or authorize, the delegation of this discretion to an individual? If it were exercised it would be a plain violation of that part the Constitution which directs that in regulations of commerce, no preference shall be given to the ports of one State over those of another.—The same inequality is occasioned by directing the payment of cash duties. It is vain to say that this has been rendered necessary by the act of the State, and without it, the collection of revenue would be impracticable. Whatever latitude may be allowed in the selection of means necessary and proper to carry into effect the granted powers of Congress, we believe no one has yet imagined, that a plain provision of the Constitution may be violated, as a means of carrying into effect, a power granted by another provision.—Although we may concede the power of Congress for sufficient cause and in good faith, to abolish one port of entry and establish another yet we of course cannot concede that it may delegate this power, or that the sovereign act of the State, for the vindication of her reserved rights, constitutes sufficient cause, or that this act has been done in good faith.

The provisions of the act, that all property in the hands of any officer or other person, detained under any revenue law, shall be subject only to the orders and decrees of the Courts of the United States, plainly enacts that it shall not be subject to any process order or decree, of the Courts of the State. We have heretofore been accustomed to regard our superior Courts as having jurisdiction, over all persons and all property within the limits of the State. This jurisdiction is of course superceded, whenever any other Court of concurrent jurisdiction has possession or custody of any cause or any property. But that a ministerial, executive officer, or that property in his hands, should be exempted from the jurisdiction and authority of State Courts, we believe to be unprecedented in our legislation, and without any shadow of constitutional authority. One of the most extraordinary and exceptionable provisions of the act, appears to be that authorizing the removal, previous to trial, of suits or prosecutions from the State Courts upon affidavit made, and a certificate of the opinion of some counsellor or attorney to the same effect, that the suit or prosecution was for or on account of any act done under the revenue laws of the United States, or under colour thereof, or for or on account of any right, authority or title, set up or claimed by any officer or other person, under any such law of the United States. If there be any violation of the law of the State, if there be a wrong done to person or property within the limits of the State, have not the Courts of the State jurisdiction of that matter? By what authority does the Congress of the U. States limit that jurisdiction? What shadow of constitutional provision is there to sanction this most flagrant usurpation? True, such a violation of the law of the State may sometimes be justified as being done in execution of a constitutional law of the U. States: but this is a matter of defence, and to be tried as every other defence is to be tried, and can have no effect in ousting the jurisdiction or in giving to the Courts of the United States original jurisdiction of offences against the State laws. So any person is authorized to bring suit in the Courts of the United States for any injury to person or property, for or on account of any act done in execution of the revenue laws. The constitution gives to the Courts of the United States jurisdiction of all cases in law and Equity *arising under the Constitution and laws of the United States.* An assault on the person or trespass to property is a violation of the laws of the State. Can it make a difference that a violation of the State law was provoked by an act done under colour of executing the law of the United States? The protection of persons and property has heretofore been supposed the province of the States. In assuming to itself this new function, the Federal Government indicates most clearly its tendency to engross all power and controul all State authority.

It is plain, likewise, from the various provisions of the act, that such suits are intended to be allowed against persons acting in execution of the process of the State Courts. Judgments of those Courts are declared to be void, and persons and property exempted from their jurisdiction.

It is not only our law, but part of the law of the civilized world, that the judgment of a Court of competent jurisdiction is valid until it be reversed by a competent authority. The judgment of a Superior Court of general jurisdiction, can never be void for want of jurisdiction. When there are courts of concurrent jurisdiction, that which obtains possession of the cause is entitled to retain it: its process must be respected, and all other jurisdiction is excluded. It is true that the judgments of courts of limited jurisdiction (and such are the Courts of the United States, and so they themselves have determined) are void if the jurisdiction be transcended. This distinction would seem to determine whether sovereignty is to be attributed to the State or to the Federal authority. Hitherto it has never occurred to any one to doubt that an officer, acting in execution of the process of a court of general jurisdiction, and all persons acting under his direction, are exempted from all responsibility for that act. He is bound, under the highest sanction, to execute that process; and shall he be punished for performing his duty?

If this act were submitted to, the entire administration of the criminal justice of the State might be interrupted, and it is not too much to say, that the State governments would be rendered impracticable.—The worst criminal—one stained with the guilt of murder—upon making an affidavit, which no public criminal would hesitate to make, and procuring a certificate which any criminal might easily procure, would be able to elude the criminal justice of the State. His cause must be removed to the Federal Court; and when upon his trial it shall appear that his act was not done in execution of the law of the United States, your committee do not perceive what other consequence can follow, than that he must be acquitted and go with impunity.

Having taken this view of the provisions of the act in question, the committee would submit to the solemn consideration and determination of this Convention, whether they do not effect an entire change in the character of our Constitution, and will not, when carried into practice, abolish every vestige of liberty, and render this an absolute, consolidated government, without limitation of powers. It has been truly said that if these things may be done, the most solemn acts of the highest authorities of the State may be regarded as the unauthorized proceedings of individuals; the courts of justice may be shut up; the Legislature dispersed, as a lawless mob, and we ourselves, representing, as we vainly believe, the sovereignty of the State, called to answer for what we have said and done on this floor, at the bar of a Circuit Court of the United States. Is this an exaggerated picture? Let us examine it a little more closely. If these provisions may be made to enforce the execution of the revenue laws of the United States, they may be made to enforce any other act which Congress shall think proper to pass. No matter how oppressive, how clearly unconstitutional, there is no power in the constituted authorities of the State to resist. If one class of cases may be removed from the jurisdiction of the State courts, any other class, subject only to the discretion of Congress, may be likewise removed. If the process of the courts be void, and the officer executing it, and those acting under his direction, responsible civilly or punishable criminally, the Judge who directed the process must be answerable in like manner. He was equally without authority, and having commanded the act, is a partaker of the guilt. The Legislature who commanded the act of the Judge, and the Convention of the people in obedience to whose mandate every thing was done, must have the same participation. If the sheriff and his posse, obstructing the execution of the Revenue laws, may constitute that unlawful combination and assemblage, on being notified of which, the President is authorized to use the military force of the United States to disperse them, then the Courts, the Legislature or the Convention, in obedience to whose authority alone the Sheriff acts, and who are the efficient causes of the obstruction, are assemblages of similar character and may be dispersed by Military force. The whole purpose of the act is to confound the acts of the constituted authorities of the State, however solemn and well considered, with the lawless and irregular acts of individuals or mobs. The certain effect of it must be, to restrain the States from the exercise of any other authority than such as Congress, shall think fit to permit them to exercise, and to ensure the enforcement of every law which that majority may think proper to enact. It involves the cruelty and absurdity of making the community responsible to hostile force for its acts as a community, and the individuals of the community punishable for their acts in obedience to the laws of their Government; an obedience from which they cannot exempt themselves unless they absolve themselves from their allegiance by self-banishment.

That the object of many of the politicians who supported this bill—the politicians of that majority in whose hands all power will be—is to establish a consolidated government, is now hardly or at all disguised. The chimera of a government partly consolidated, partly federative, is now scarcely contended for. The same class of politicians have always had in view the same object. It was attempted to be effected in the Convention which framed the Constitution of the United States. The attempt was there foiled. After the formation of the government, those who affected consolidation, assumed the term "Federal," and denied that the opinions held by them, led to the result. The possession of power, however, developed their views, and the first marked indication of their disposition to engross the powers of the States, and meddle with their internal concerns, was afforded by the alien and sedition laws. This attempt was so strongly rebuked by public opinion, which led to the change of administration in 1800, that the hopes of consolidation seemed abandoned forever. They remained dormant, until revived by the agitations springing out of our late protecting system. It was perceived that nothing less than a consolidated government could sustain that system of iniquity. Gradually we have been told that the States have parted with a portion of their sovereignty; then, that they were never sovereign; until at length, availing themselves of the excitement of a particular crisis, and passion for power, and the influence of an individual, the act before us has been passed, sweeping away every vestige of State sovereignty and reserved rights, or causing them to be held at the mercy of the majority, compared to which the alien and sedition laws sink into measures harmless and insignificant.

And what is it to the Southern States, to be subjected to a consolidated government? These States constitute a minority and are likely to do so forever. They differ in institutions and modes of industry from the States of the majority and have different and in some degree incompatible interests. It is to be governed, not with reference to their own interests or according to their own habits and feelings, but with reference to the interests and according to the prejudices of their rulers, the majority. It has been truly said that the protecting system constitutes but a small part of our controversy with the Federal Government. Unless we can obtain the recognition of some effectual constitutional check on the usurpation of power, which can only be derived from the sovereignty of the States, and their right to interpose for the preservation of their reserved powers, we shall experience oppression more cruel and revolting than this.

While there remains within the States any spirit of liberty, prompting them to repel Federal usurpations, one of the most obvious means to break that spirit and reduce the State to subjection, will be that which has been attempted by the Act before us. It will be to create or to sustain by the patronage of government or other means, a party within the State, devoted to Federal power, exempted from responsibility to the state authorities, and having power to harrass and degrade the state authorities by means of the tribunals of the United States. Thus will be created a government within a government, with all the consequences which experience informs us, are likely to arise from that state of things, and such as did arise from the independent ecclesiastical jurisdictions established within the governments of Europe. The federal government will interfere with every department of the State governments; it will influence elections; it will raise up and put down parties, as they shall be more servile to its will. Pretext for interference will never be wanting. Already has it been said that ours is no longer a republican government, because the State in vindicating its sovereignty has refused to entrust with any portion of its authority, those who deny or refuse to recognize that sovereignty.—Other classes of individuals might be found within the State whom it might suit the majority to suppose distranchised, in derogation of true republican principles, and to require their interference and protection, This interference will be practised at first with moderation, and with some apparent respect for the rights of the States. Gradually, as the power of the government shall be established, and the Southern States become weakened and less capable of resistance, the shew of moderation will be thrown off. Thus the peace of those States will be embroiled; their prosperity interrupted, their character degraded, until in the natural progress of things, your committee think it not too strong to say, that they will be more miserable; more utterly enslaved; more thoroughly debased, than any provinces that have been rendered subject by the sword.

In alluding to the oath which the State has heretofore thought proper to exact of its citizens, and to one somewhat similar, which the Committee proposes to recommend, they think proper to disclaim, as they do most solemnly disclaim, on behalf of themselves and the Convention, that this or any other measure which the Convention has adopted, has been adopted upon mere party views; to secure party ascendancy, or gratify party resentment. They appeal to God, that their only object has been to vindicate their just rights and liberties, and the common liberties of the whole South. This object they have persued in singleness of purpose; though exposed to much obloquy—threatened with much danger, and discountenanced by those from whom they had a right to expect support. They have never sought to endanger this Union; but to perpetuate it by rendering it compatible with, and a security for liberty.

The firmness of the State seems, at length, in some degree, to have triumphed. But let it be recollected that the moment of triumph is commonly one of danger.—Let it be kept in mind, that this is not a contest ended, but a contest not more than begun, and not to be determined till this act shall cease to disgrace the Statute Book. Let this contest be carried on firmly, steadily, without passion and without faultering. If the vigilance of the State should relax; if it should cease to raise up barriers against the head of usurpation, which threatens to overwhelm us, the torrent will break loose, and sweep our liberties along with it. Let every man consider this his own peculiar business. If liberty be saved, every thing is saved: if liberty be lost every thing is lost.

As the provisions of the act have reference only to certain acts of the people and Legislature of this State, which have been superseded by the late modification of the Tariff, it could not have been contemplated that it should have any immediate operation. And your Committee doubted whether, regarding it as merely a menace, they should recommend any action upon it, or only that the sentiments of the Convention should be expressed in regard to the principles it contains. But most of its provisions are made permanent, and may be put in practice on some future occasion. The Committee cannot doubt that it expresses the true principles of many of those who voted for it, and who will seek occasion to reduce them to practice. As a precedent, it is most dangerous. The vote on the very Act, shows how little is to be expected from a majority. It is incumbent on South Carolina, unsupported as she is, to take care that no Federal authority unauthorized by our Federal compact, shall be exercised within the limits of the State. For the purpose of providing that the Act shall never have operation or effect within the limits of the State, the Committee beg leave to report the following.

Adopted in Convention March 18th, 1833.

ROBERT Y. HAYNE, *President.*
ISAAC W. HAYNE, *Clerk.*

[The Ordinance reported published in our last.]

The names of Messrs. R. H. Wilde, Joel Crawford, Judge Clayton, Gen. Floyd and Governor Troup have been mentioned as candidates for the office of Governor of Georgia.

Retribution—The wickedness of Mr. Forsyth & the servility of Governor Lumpkin, are, it seems, about to fall upon their own State. They have been beaten, at their own dishonest game, by still subtler sharpers than themselves. The noose which they had prepared for our necks, is about to be fastened on their own.

The history of the force Bill is now known. Governor Cass openly complained of the fraud put upon him: the whole secret is blown.

It must be remembered that the Force Bill, while seemingly drawn for our case only, fits that of Georgia equally well.—The first step, then, on the part of the administration, towards its passage, was to avoid compelling Georgia to make common cause with us. To accomplish this Mr. Forsyth opened that negotiation with Webster, Wirt and Sergeant. (counsel for the Missionaries and Indians) which ended in the withdrawal of the Butler and Worcester case. This done, the Bill might safely go forward, without alarming Georgia.

Mr. Webster, meanwhile, had drawn up the Force Bill; with a view to the back-game of the Indians. When it reached its last reading, the treaty with the Cherokee Chiefs for their lands, was not completed. They had been taught to spin out the negotiation. Mr. Forsyth, it seems, grew alarmed at the possibility of their yet refusing to sell; which would, of course, plunge Georgia afresh into the Indian question. To quiet him, an intimation was given by the Indians, that they were ready to close the bargain, at two and a half millions of dollars, the price offered them. Mr. Forsyth immediately joined in pushing the Force Bill: and it was passed by both Houses.

The very next morning, the Indians, with all the dignity of foreign ambassadors, sent in a request to the President, that he would grant them an audience of leave.—They were tired of Washington, and wanted to go and see their own people.

To remonstrate with an Indian is hopeless. Nothing could shake them. They were told of the half sale that they had already made—of the pledge that they had given. It was all in vain. An Indian is not to be shaken in that way. They said that they had changed their minds; or, when pushed hard, took refuge in that grave and lofty silence, with which the red man knows too well how to make himself the most impenetrable of diplomatists.

In short, the treaty, to put Georgia in possession of the Indian lands, is broken off.

One of the leading provisions of the Force Bill, is, that the President shall call out the military force, *as soon as he is certified, by a Circuit Judge of the U. S. Court, that the laws of Congress are resisted.* No discretion is vested in the President. He must act upon notice from the Judge. Here, therefore, there can be no room for countenancing, in Georgia, what is to be punished, in Carolina.

It is obvious that the President regarded this provision, as merely shaped for the purpose of rendering less odious the course that he was bent on pursuing, by making it appear a duty, from which he could not escape. He has suffered his hands to be tied. Against *us*, he cannot proceed; against Georgia, care will be taken that he *shall* proceed.

We do not make public these facts (of which we have entire confidence) with any spirit of exultation; but in one of warning only. Were we even the enemies of Georgia, we should have but little cause to exult at the approach of a contest, which can bring her neither loss nor dishonor, since she will unquestionably meet it with that determined spirit, with which she has so often before repelled attempts of this sort. If she be attacked, she will, with her brave and loyal population, have little need of auxilliaries. The Free Trade party of the State will be eager however, to join her, with buckler and brand; and to repay, by an enthusiastic assistance, the noble and kindly ardour, which so large a part of the population of Georgia has given to our cause. *Char. Mercury.*

Extract from a speech of the Honorable Stephen D. Miller in the South Carolina Convention."

"The act of 1832 (he said) was distinctly known by all those who were actors in the matter, to be intended by those whose influence accomplished it, to be final. We then declared, that South Carolina would not and could not be satisfied with it, as such. We were disregarded. Upon this ensued that determined displeasure of the people of this State, which led to the great decisive measures, taken at the close of last year. These measures at once changed the whole face of affairs, that had seemed settled against us. The Administration was compelled to reverse its scheme, even before it had taken effect. The revenue just before pretended to be reduced to the wants of the Government, was now avowed to be about to give a surplus of 6 millions, and a reduction to that extent was recommended, by the President himself. To that recommendation, we offered no obstruction. The high tariff party looked upon it, as a complete overthrow, and execrated it, as the triumph of Nullification—as the work of our principles alone."

Fame will inscribe, on the page of *History*, the names of those ardent spirits and noble souls, who have daringly snatched from the flames of *discord*, our Constitution—the ark of our political safety. They will be remembered, and receive the plaudits of freemen, long,—long after the miserable panders of disappointed and infuriated power, shall have gathered themselves together, and slept in the tombs of their fathers, unwept, unsung, and happily for them, if unknown. Peace to their manes. *Sat. in Washington.*

From the U. S. Telegraph.

NULLIFICATION.

The Boston opponents of nullification think it a much more efficacious remedy for sectional grievances, than our pretended state rights men at the South. It is true, they deny its conformity with the principles of the Constitution, but its efficiency they assent to. This is the great point. If the States find that it will relieve them from oppression, we may rest assured they will always have recourse to it when there is a necessity for it. We must rely upon the good sense of the people, that they will not improperly, and upon trivial complaints, recur to it. If this much dependance cannot be placed upon them, then the ultra federalists are right, and the people are unable to manage their own concerns and govern themselves. They must have a strong consolidated government to take care of them.

We refer our readers to an article below, from the Boston Courier. They may see what is thought of nullification at the head quarters of federalism.

FROM THE BOSTON COURIER.

"Nullification is prostrated—defunct—dead." This was the language of those who glorified themselves and felicitated the country, on the passage of the enforcing bill, and boasted that it would secure the obedience of South Carolina to the laws. The tariff bill was necessary as a measure of reasonable concession; the enforcing bill was demanded by the dignity of the Union, and to put down the pride of nullification. But nullification had been put down by the first bill. The victory was not, indeed, very glorious, nor the defeat excessively ignominious. Nullification was put down pretty much in the same way as the traveller puts down the highway man, by the display of the better part of valor, beseeching him to accept his purse, and thus compelling his assailant to remove his ugly pistol from his head. The after passage of the enforcing bill was marvellously like the afterpiece or farce, in which the same traveller is the principal character. The desperado has left him; he brandishes his sword, poises his musket, and, with heart bursting with the extremity of its valor, and the eye flashing fury, fire, and vengeance, swears to exterminate the ruffian if he crosses his path again.

We commented yesterday upon an article in the United States Telegraph, in which the real character and effect of the recent measures of Congress were exhibited. We were not mistaken in supposing that the writer of that article expressed the sentiments of the editor of the Telegraph, and of the nullifying party at large. The Telegraph of Saturday repeats, in an editorial article, the sentiments of his correspondent in terms more decided. "Nullification," says the editor, "is triumphant. The very shame taken by its enemies to overwhelm and destroy it have given it new vigor." Nullification is triumphant. What has produced the settlement of the tariff question? Nullification. Would we have seen Mr. Clay's bill, had it not been for the action of South Carolina.

The editor quotes, with approbation, the opinions of Mr. Adams and Mr. Everett expressed in the debate, that any action of Congress upon the subject of the tariff would be, in effect, a surrender at discretion to the demands of South Carolina; and again repeats, that the principle of nullification, the right of a State to resist and annul an unconstitutional law of Congress has been completely established.

The Richmond Whig, another nullifying paper, in an article upon the enforcing bill, expresses the same sentiments:—"The South, we hope, will never desist its exertions until this act is repealed. We must not consider the contest as ended for ever. We must continue the fight year after year, and Congress after Congress; and if, ultimately, success crown the efforts of the enemies of this act, it will be better than if the bill had never been passed."

And success must crown their efforts.—Nullification is practically established as the permanent principle of the Union, and the South has only to wait till the next session of Congress—a period much shorter than the "Trojan war," until that executive of State sovereignty shall obey the mandate for the repeal of that obnoxious act. It is to be hoped that the south will be willing to make the sacrifice for the sake of the Union, of waiting till that time especially as the triumphs she has already achieved may be sufficient to propitiate the omnipotence of State sovereignty for one short season. We crave her indulgence for another consideration. The enforcing bill, under present circumstances, is a mere legislative abstraction, and will be absolutely inoperative. The submissive tariff bill has left nothing to enforce. The South, then, which boasts itself of its chivalry and generosity, will surely be willing to let this harmless expression of federal vanity have currency for a few months—to permit the Union to wear a paper crown for a little while longer, since she has taken from it its crown of gold. This cannot be regarded as an extravagant concession for all that it has gained.

From the Jeffersonian & Virginia Times.

GENERAL JACKSON.

We have good authority for saying that John Randolph informed Jackson on the passage of the Bloody Bill, of the real object of the Federal Party in making the move. He told him distinctly of the outrageous character of the Bill, and of the purposes of those who sustained it. We also understand that in the morning of the last day of the Session, Randolph left Jackson under the full persuasion that he would veto this daring measure. Why was he disappointed? Why did Jackson play this double game? The answer is given, that as he had called for its passage, he could not consistently defeat the measure—and as his own friends had voted for it, he would effectually kill himself and *them*, by his negative! And this is a reason forsooth, for trampling on the Constitution! The whole subject was placed before Jackson in *all its bearings*—and after mature deliberation—and with a full knowledge of its pernicious tendencies, and its daring outrage on the Constitution, he approved it. He did this *knowing* it to have been uncalled for—*knowing* it to be a contrivance of the Federal Party—*knowing* it to be, in the estimation of his best friends, *unconstitutional*. What is the inevitable inference? The answer is. *He has deliberately deserted and betrayed the Republican Party, and gone over to the Federalists.* He has always been a Federalist *at heart*—and he now shows it. His recommendations to Mr. Monroe to disregard Parties was enough for us. But let him go. The Republican Party can do without him. If he cannot elect his minion, Van Buren, who is *at the bottom* of all this business, but by betraying the South, the sooner it is made known the better. We can do without either—and we do trust, that the present condition of Parties will be a warning hereafter to the Republicans, how they admit *doubtful characters* into their company and confidence.

THE GULLIFICATION PARTY.

Names are said to be the signs of things. The unsettled state of parties has given rise to several new names. The old State Rights Party are called *Nullifiers*—while the old Federalists have christened themselves with a better title—to wit: The *Union* Party. They always understood how to use *sweet* words in order to cover their designs. We lately saw a paper which menaced the people of a sovereign State with the penalties of treason, called the "*paternal* proclamation."—They know how to use sweet words. The whole object has always been to *gull* the people. This was their object in '98 when they said that the Alien and Sedition Laws were intended to "*preserve the Union.*" We now hear the same cant from the same quarter, in reference to the *Bloody Bill.* They are trying to *gull* the people—and to call things by their right names, we think the old Cabal should be designated under the general term, "*Gullification Party.*" What says the Richmond Enquirer to this? *Ib.*

Mr. Ritchie presumes too much upon the ignorance of his readers, when, with reference to the passage of the Tariff Bill, he parenthetically exclaims "thanks to the exertions of Gen. Jackson—and thanks to the exertions of Mr. Clay." The ascription of thanks to the first is surely meant for rebuke; for if there is any fact notorious, it the history of the last session, it is the secret indisposition of the Administration to meddle with the Tariff, and its ill-concealed hostility to Mr. Clay's Bill. Does any one, for a moment, suppose that had the influence of the President been exerted to that end, the question might not have been easily settled the first month of the session? And with respect to Mr. Clay's scheme, the proceedings of both Houses amply testify that its success would be any thing but agreeable to the Administration. Had not the pretended constitutional difficulty, about the origin of Mr. Clay's Bill in the Senate, been obviated by the movement of Mr. Letcher in the House, there is not the shadow of a doubt upon our mind that the President would have availed himself of that pretext and interposed his veto. In spite of sundry expressions of an abstract opinion of the necessity of a reduction of the Tariff, and of a like number of vague recommendations to that effect, Gen. Jackson signed the bill with infinite regret. We suppose it was to compensate for his pangs on the occasion, that an opportunity was given to affix his signature to his own darling bill; clothing him with dictatorial power. *Political Arena.*

The report of the Committee on the Force Bill, which we publish this morning, ably and triumphantly exposes the infamous principles that characterise that bill; the passage of which, as the report justly remarks, shows what we have to expect from a majority in Congress. It is in truth neither more nor less then a decision by Congress in favor of its own laws—a passage upon the constitutionality of its own acts—a confirmation, in short, of that obnoxious section of the Judiciary Act of '89, against which the State protested at the time, to which they refused to submit then, and to which, so long as one spark of the spirit of liberty shall survive among them, they never will submit. Let a State once sanction an appeal from her own courts, and her sovereign jurisdiction within her own limits is annulled—her rights are gone, and she becomes powerless for her own protection. The bill, if any thing short of a direct intermeddling with our property *can*, must assuredly rally every Southern State upon the great principles that lie at the bottom of our federal institutions—*these*, it is, that are *now* at stake; and unless those who *should* be most interested in rescuing them from the hands of usurpation, rise up, as one man, in a determined assertion of them,

"The name of Commonwealth is past and gone." *Mercury.*

The Columbia Telescope, on learning that Mr. Clay's bill for reducing the tariff would certainly pass both Houses of Congress, says:

"At present we have neither space nor words to express the triumph which this great event inspires.—Nullification is victorious. The Nullifiers have achieved their great purpose. In spite of the efforts of Submissionists, Tories, Federalists, and Tarriffites, cast against us in vain by the foulest and most corrupt administration that ever wielded the power of the General Government, they have preserved the Constitution, the Union, and the rights of these Republics. To their own State they have given peace and liberty, and have crowned her with eternal glory.

"May the purified Union last forever.—But however durable be its existence, the fame of the little State of SOUTH CAROLINA, and the glorious name of NULLIFICATION, will long survive it."

THE BLOODY BILL.

What is to be done with the Bloody Bill! Will the people hug it to their bosoms as a shield for the preservation of their rights and liberties? As well might they nestle an adder there. Although now dormant upon the statute book, it can easily be warmed into life and vigor, and when aroused will inevitably dart its venomed fangs into the vitals of our political system.

Should none of the other States think proper to interfere with it we feel assured that South Carolina certainly will. She cannot misunderstand the language it speaks: "Accept of the tariff compromise, or the sword shall force you into measures." We doubt not but she will accept the compromise, but at the same time take care to Nullify the Bloody Bill. The proud spirit of Liberty is aroused in that patriotic State, and the voice of Justice is not to be drowned by the rantings of Executive rage. *Washington Union.*

The Tariff.—Mr. Clay's "submission" bill has completely engrossed the attention of Congress. On Monday last Mr. Dickerson addressed the Senate in opposition to the bill. On the same day it was reported by the Committee of the Whole to the House of Representatives, as an amendment to Mr. Verplanck's bill, and passed to a third reading—yeas, 105; nays, 71. The question on its final passage was probably taken on Tuesday last. The bill has been much amended, but still remains objectionable. Something by way of concession to the south was perhaps called for—but this bill concedes all, nay, more than was originally asked—a strange kind of compromise! In the Senate, we observe that Mr. Frelinghuysen votes with Mr. Clay, Mr. Calhoun and the south, and Mr. Dickerson, against the bill. On the question of engrossing, in the House Mr. Southard voted for the bill, and Mess. Randolph, Cooper and Hughes against it. The two Condicts were absent.

The bill passed the House on Tuesday—yeas, 118; nays, 85; New Jersey in the negative—right. *Trenton Emporium.*

Somersets.—For the last ten years the great mass of the present administration party have been denouncing Mr. Clay because as they alleged, he would not consent to modify the tariff; and now they abuse him because he wishes to modify it. When he opposes a measure, they support it; and when he supports it, they turn and oppose it. Their only principle of action is to set their faces against him. If they can but do this, it is a matter of perfect indifference whether they become Democrats, Federalists, Mahometans, Turks or Hottentots. Like the Irishman with his pigs, he can make them go wherever he pleases by persuading them, that he wishes them to journey in a contrary direction. "Where are you taking the animals?" inquired a neighbor. "Spake lower, spake lower friend," whispered Paddy; "I am driving the craturs to *Cork*, but I must make them think that I am after taking them to *Killarney.*—*Louisville Journal and Focus.*

MARRIED,

In this Town, on Wednesday the 26th inst. Christina, infant daughter of Mr. Peter Heilig brand, aged about three months.

OBITUARY.

DIED, after a protracted illness, on the 23d inst. in Iredell County N. C. Miss Delilah Lowrance, daughter of John Lowrance, in the 20th year of her age. Her parents are left to mourn the loss of a beloved and affectionate daughter, her brothers and sisters a kind sister, and her numerous acquaintances the love of one who had endeared herself to them; but they are consoled with the belief, that what is their loss is her unspeakable gain. She was in full communion in the Presbyterian church and her character was such as to give the strongest evidence that her religion was genuine.

As a christian, her piety was serious, and characterised by a profound reverence towards the Majesty of Heaven, and deeply impressed with a sense of her unworthiness.

She endured her last sickness with christian fortitude and meekness, and was completely resigned to the will of her Maker; she at last died almost without a struggle, with her hope placed upon the grace of God through Christ.

"Blessed are the dead that die in the Lord."

THE CAROLINIAN.

SALISBURY:

APRIL 1, 1833

THE CONTEST IS NOW OVER.

The contest is now over, and in a short time, the public mind will be in a state, to look back, and tranquilly survey all the grounds of the political struggle, and judge impartially of the parties engaged in it.

In the South, there were three classes of men, whose conduct will be considered in reference to this subject. *First*, those who plainly saw the unequal, unjust, and unconstitutional operation of the Protective System, and who were determined to get rid of it, at all hazards. This class felt deeply convinced that, not only their pecuniary rights were taken away from them, and their labor taxed, for the enrichment of others, but they believed that *Liberty* itself, and the Constitution, were in imminent danger, and must have gone down, unless the usurpations of the Federal Government should be abandoned. To the firm stand, and decisive course of this class of men, is the South altogether indebted for the abandonment of the system, and the restoration of the Constitution.

The *second* class, consisted of those who believed the Tariff was unequal, unjust, and oppressive, but who lacked the spirit to assert their rights as became free men. They were alarmed by the insidious, and artful cries of designing men, who made the welkin ring with the sounds of Nullification, disunion, civil war, and blood-shed, and being frightened by these imaginary dangers, they chose rather to submit like quiet slaves, to a violation of their rights and liberties, than to stand forth like gallant freemen and say,—"*We will not submit*, —we *will* maintain our rights at all hazards." This class, for years to come, will look back on their course with feelings of humility, and shame.

The *third* class, who are they? The Tariff party in the South! When the mist of party prejudice shall have cleared away, where will these men hide themselves? They will be marked out for years to come,—they will be pointed at,—it will be cast up to them as charges of shame and reproach, that they were *Tariff men* in the crisis of 1833: But this class is subject to a sub-division; that is, those who through ignorance, honestly believed the Tariff to be right, and those who knowing the Tariff to be wrong, yet acted with the Tariff party at the North, with the hope of seeing the Government changed, and our glorious confederacy converted into a grand Consolidated Empire; these were the *force* men,—the admirers of the *Proclamation*, and advocates for putting down South Carolina by swords, bayonets, and cannon balls.—What will posterity say of these men? Where will they stand in future history? Where ought they now to stand in the estimation of the Southern people? We will leave the friends of liberty to answer.

THE PEACEFUL REMEDY—NULLIFICATION.

The Nullifiers of South Carolina, declared from the beginning, that *Nullification* was a *peaceful remedy*! The tariff party said it would not be a peaceful remedy, but would lead to civil war and blood-shed. Like all false prophets they did all they could to verify their prophecies, but in spite of all their efforts,—in spite of the Proclamation, and the bloody bill. Nullification has turned out to be a peace ful remedy,—and its advocates in South Carolina, now stand as the saviours of the Constitution, and champions of Liberty. Posterity will do them justice.

What was it the nullifiers required? Nothing more than that the *protective principle* should be abandoned, and that the tariff taxation should be reduced to the reasonable wants of the government. What does Mr. Clay's bill do?—Why, it gives up altogether, the protective principle, and provides for the *gradual* reduction of the Tariff to the revenue standard. All that was asked has been yielded. Would this ever have been done but, for Nullification? If South Carolina had not, like the Spartan Band, thrown herself into the pass, would this glorious triumph have been achieved? No, certainly not;—therefore give honor, to whom honor is due,—to the patriots of South Carolina, and to all those in the other States, who stood forth the advocates of just principles;—and let the eyes of the people be opened to them who sought to continue the yoke on them.

ADJUSTMENT OF THE TARIFF QUESTION, AND NULLIFICATION.

Can any one say that Mr. Clay's bill for adjusting the tariff, was not produced by Nullification? If there be, we would refer them to the speeches of the Hon. Daniel Webster of the Senate, and of the Hon. John Quincy Adams of the House of Representatives. Both of these gentlemen are from Massachusetts, whose entire delegation voted against the bill. The opinions of Webster and Adams, should be to the high Tariff men and Proclamationists "confirmation strong as proof of holy writ." Listen to the language of the former, being an extract from a speech delivered in the Senate, in which he remarked, that "if no Ordinance had been in South Carolina, no reduction of the Tariff would have been made." Now what does Ex-President Adams say in his speech:

"The House could not pass any bill that would not of necessity, confirm the Ordinance of S. Carolina.—No law upon this subject could at this time, be enacted by Congress, but would be received and understood by all parties, friend and foe, to be the triumph of nullification. The State of S. Carolina had said that the Tariff law was null and void, and that it should not be executed within her limits. And Congress immediately replies, by declaring that that law should not be executed any where."

An effect has been produced, where is the cause? We answer, *Nullification*. The protective policy is abandoned, what has caused it? *Nullification*! Is the remedy efficacious? Let us look for a moment the Tariff answer the question.

THE UNION PARTY IN SOUTH CAROLINA, AND THE BLOODY BILL.

Some very important admissions have been made in the Convention lately assembled in South Carolina, by two of the self styled Union members, Judge O'Neal, and Major Perry, which the correspondent of the Evening Post remarks, "Will be rank treason to the Bloody Bill Party of Charleston." Both assert, "that any attempt to carry that bill into effect, would be flagrant tyranny; they did not believe that so *good* and *moderate* a President as our mock spirited Andrew, would perpetrate the enormity of exercising the law, (which he had asked for) but if he did attempt it, they would join to resist him.—They would resist tyranny, come from what quarter it may." A very important admission, submission men to-day, but resistance men to-morrow.

THE OATH OF PARAMOUNT ALLEGIANCE.

It appears that several propositions were before the late Convention of S. C., imposing an Oath of paramount allegiance to the State of S. Carolina, and the following prevailed.—That the Convention should make a declaration, of what was the allegiance of the citizen of South Carolina, and inform the Legislature at any time, when they deemed that circumstances rendered it necessary or proper, to require an oath in accordance with he definition, and provide penalties for its violation. Thus we see that no oath is immediately to be adopted, the Convention have refrained from any questionable exercise of their unlimited power, by devolving upon a more responsible body, the duty of imposing the oath, when in their discretion it shall seem necessary.

The act "further to provide for the collection of duties on imports,"—otherwise called, "the bill to repeal the Constitution," "the enforcing bill," "the Boston Port Bill," "the Bloody Bill," &c. our readers will find on the fourth page of this week's paper. We invite an attentive perusal of it.

A new Post-Office has been established in Burke County, called Jamestown, at Thomas & Patton's Store, in the Gold Region.—Wm. P. Thomas Post Master.

SOUTH AMERICA.

FROM OUR CORRESPONDENT.

LIMA, PERU, 14 Nov. 1832.

Dear Sir!

I inclose you the "Peruvian Mercury," of 10th inst., which contains an Editorial article highly complimentary to a distinguished statesman of our country,—the present Secretary of State, the Hon. *Edward Livingston*. I have made a translation of the article, and add it below.

Gen. *Gamarra* has recovered from his illness, and resumed the Executive chair of the Republic; and *Manuel Tellería*, the recent acting President, has returned to his seat as President of the Senate. Congress is still in session; and they have recently had a stormy debate, on the subject of divers alleged infractions of the Constitution by the President: After voting separately on the list of charges, and determining that most of them were *real infractions*, and of course that the infractor was obnoxious to an impeachment,—the House finally decided to stay all proceedings in the matter, indefinitely! This singular proceeding, naturally enough, has given rise to a good deal of scandal in regard to the *motives* of divers members.

A bill is before Congress, for reducing the duties on importations direct from the United States, but there is not much hope of its passing, as the session is drawing to a close.

Some ten or twelve days since at 7 o'clock, A. M. this city was visited by quite a smart shock of an Earthquake; which shook the plastering about the ears of the sleeping Limanians in such a manner as to cause nearly the whole population to scamper into the streets: and from the suddenness of the alarm, and unseasonableness of the hour, it may readily be imagined that an infinite and ludicrous variety of costumes were exhibited by the affrighted multitude.

There has been another abortive attempt at *Revolution* in this city. On Saturday night last, two members of Congress, one General Officer, (*Cordova*) some half a dozen Colonels, &c. &c. in all 15 or 20 persons, were seized and imprisoned by order of the Executive, charged with a conspiracy to revolutionise the Government, and eject Gen. Gamarra from its head. This is the third serious attempt at Revolution within less than a year past; all of which the President has managed to strangle in embryo. This last is said to have been intended as a diversion in favor of President *Santa-Cruz*, of Bolivia, who was once President here, anterior to the erection of Upper Peru in the Republic of Bolivia, and who doubtless would have no objection to exchange his situation in the mountains for the Executive chair in Lima again. Among the officers seized and imprisoned, is a Col. *Sayer*, a Frenchman, who, last year, was President Gamarra's favorite Aid de-Camp.

The U. S. Frigate Potomac, Com'd. Downes, has not yet arrived from India; the Sloop of War Falmouth, Capt. Gregory is expected here in a few days from Guayaquil; and the Schr. Dolphin, Lieut. Comdt. Long, is in this Port, awaiting the arrival of the Falmouth.

I am, your obdt. servt.,

[TRANSLATION.]

From the Peruvian Mercury, 10, Nov. 1832.

"We copy from the United State papers, a decree of the Supreme Government of Central America, highly honorable for its enlightened liberality. The adoption of a *Penal Code*, considered by the most intelligent men of both hemispheres as that which approaches the nearest to perfection of all others hitherto known, is a measure which must greatly advance the civilization and morality of a people. The respectable author of that work, *Edward Livingston*, although born in New York, has been for the space of twenty five years a citizen of New-Orleans, in the State of Louisiana. He has passed forty years of his life in the exercise of high and honorable trusts; and in for his superior talents. He is at this time, Secretary of State of the General Government of the United States.

"In compliance with a resolution of the Legislature of Louisiana, the Livingston proposed for that State, a few years since, the Penal Code which has been adopted by the people of Central America, a work that has excited a deep interest in all enlightened countries, and which will, without doubt, place the name of its author in the catalogue of the most eminent Statesmen and Jurists."

DIED,

In this Town, on Wednesday the 20th inst. Christina, infant daughter of Mr. Peter Heilig brand, aged about three months.

OBITUARY.

DIED, after a protracted illness, on the 23d inst. in Iredell County N. C. Miss Delilah Lowrance, daughter of John Lowrance, in the 20th year of her age. Her parents are left to mourn the loss of a beloved and affectionate daughter, her brothers and sisters a kind sister, and her numerous acquaintances the love of one who had endeared herself to them; but they are consoled with the belief, that what is their loss is her unspeakable gain. She was in full communion in the Presbyterian church and her character was such as to give the strongest evidence that her religion was genuine.

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She endured her last sickness with christian fortitude and meekness, and was completely resigned to the will of her Maker; she at last died almost without a struggle, with her hope placed upon the grace of God through Christ.

"Blessed are the dead that die in the Lord."

DENTISTRY.

DR. WAKEFIELD

MAY be consulted at the Mansion House. Those wishing operations on the Teeth, will please to give him an early call, as his stay will be short.

Salisbury, Feb. 20, 1833.

The Beautiful Arabian Horse,

SELIM,

WILL stand the ensuing season near Charlotte, N. C. at the very low price of twelve dollars the season, and sixteen dollars for the insurance. Selim the sire of Selim was imported from Tripoli, by Richard E. Jones, Esq. late American consul at that place,—and was declared to be of the highest Arabian race ever imported into Barbary.

Selim is a beautiful dapple gray, fifteen and a half hands high with all the characteristic marks of the best Arabian blood,—and for form as well as activity and spirit is not surpassed by any other horse.

WILLIAM S. NORMENT.

March 24th, 1833. 3 71

NOTICE.

WHEREAS my wife Mary Ann, has left my bed and board, without any just cause or provocation. I forewarn all persons from trading with her on my account, as I do not intend to pay any debts that she may contract. JESSE HADEN.

Rowan County, March 2, 1833. 3 71

Department of State.

March 20, 1833.

A RESOLUTION of the Senate has called on the Secretary of State to obtain statistical information which is comprehended in several circular addresses made some time since to the Governors of the different States, and the county and township officers, by this Department. The queries contained in these circulars, being answered in but comparatively few instances, the persons to whom they have been addressed, are earnestly requested to forward their answers without delay.

The printers of the laws of the United States are requested to give this notice six insertions in their respective papers.

NEW CONFECTIONARY.

MRS. ADELADE ROSSEE, respectfully informs the citizens of Salisbury that she has opened,

A CONFECTIONARY

in the house formerly occupied by Messrs. Hilton and Oates, a few doors East of the Court-House.

She will keep constantly on hand, a variety of

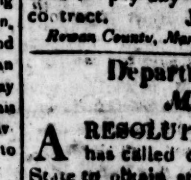
Candies, Cordials, Cakes, &c.

and all other articles usually kept at an establishment of the kind. 3 70

Salisbury, March 4, 1833.

THE THOROUGH BRED HORSE

RIOT,



WILL stand the ensuing season at Beattie's Ford, Lincoln County. He was gotten by the celebrated RACE HORSE and breeder of Sir Archie: His dam, a fine blooded mare—her pedigree can be traced to many of the most distinguished records of the day. As to Sir Archie, his reputation, and that of his colts, is established, that it is scarcely necessary to say any thing at the present day, as they have been among the most successful distance horses, in the States of Virginia, North and South Carolina, Georgia and Tennessee, for the last fifteen years.

RIOT,

Is a handsome bay, five feet three inches high—four years old next spring. It is thought that he will make a good breeder, as his form and blood are both good. Particulars made known in due time.

3 71

H. G. BURTON.
R. A. BURTON.

September 31st 1832.

JOB PRINTING

EXECUTED WITH NEATNESS And DISPATCH, AT THIS OFFICE.

MARKETS.

SALISBURY March 29, 1833.

Bacon	8 to 10
Beef	2½ to 3½
Cotton in seed	3.
Do. clean	8 to 8½
Corn	40 to 50
Oats	20
Sugar	10 to 12½
Coffee	15 to 18
Salt	$1.00
Iron	4 to 5
Molasses	50
Beeswax	16 to 18
Tallow	8 to 10
Flour	$3,75 a 4,00
Brandy	40
Whiskey	25 a 30
Nails	9 to 10
Loaf Sugar	18 to 20
Lead	8 to 10
Pork	$3 75 to 4 00
Wheat	6
South Carolina money discount	4 to 5
Georgia do.	0 to 7½

FAYETTEVILLE, March 26.

Brandy, Apple per gal.		45 to 50
Do Peach,		55 a 60
Bacon		6½ a 7½
Corn		60 a 62½
Cotton,	100lbs	$8 50 a 9 50
Flour		$4 50 a 4 75
Salt		65 a 75
Iron		4½ to 5½
Sugar, brown		7½ to 8
Coffee		13 to 15
Molasses		30 to 32
Flaxseed		$1. to 1,50
Wheat		80 to 85
Whiskey		35 to 40

CHERAW March, 23, 1833.

Brandy, Peach	gal.	50
Apple		40 45
Bacon	lb.	8 10
Cotton		9½ a 10½
Corn	bush.	40 00
Coffee	lb.	16 to
Flour (from Wag.)	bbl.	$5 a $5½
Molasses	gal.	40 a 45
Salt (in bulk)	bush.	75
Sugar	"	8 10
Whiskey	gal.	30 38
Wheat	bush.	75

STATUTES.

LAWS OF THE U. STATES.

Passed at the second Session of the Twenty-Second Congress.

No. 19.

AN ACT making appropriations for the Indian Department for the year one thousand eight hundred and thirty-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby appropriated to be paid out of any money in the Treasury not otherwise appropriated, for the Indian Department for the year one thousand eight hundred and thirty-three, viz.

For the salary of the commissioner of Indian affairs, three thousand dollars.

For the pay of the superintendent of Indian affairs at St. Louis, and the several Indian agents, as established by law, twenty-six thousand dollars.

For the pay of sub-agents, as established by law, seventeen thousand dollars.

For presents to Indians, as authorized by the act of one thousand eight hundred and two, fifteen thousand dollars.

For the pay of Indian interpreters and translators employed in the several superintendencies and agencies, twenty thousand dollars.

For the pay of gunsmiths, and their assistants, employed with the several superintendencies and agencies, under treaty provisions, and the orders of the War Department, sixteen thousand dollars.

For iron, steel, coal, and other expenses, attending the gunsmiths' and blacksmiths' shops, five thousand dollars.

For expenses of transportation and distribution of Indian annuities, nine thousand five hundred dollars.

For expenses of provisions for Indians at the distribution of annuities, while on visits of business with the different superintendents and agents, and when assembled on public business, eleven thousand eight hundred dollars.

For expense of building houses for Indian agents, blacksmiths' shops, and for repairs of the same, when required, in the several agencies, two thousand dollars.

For contingencies of the Indian Department, twenty thousand dollars.

For supplying the deficiency in the appropriation for the compensation of Commissioners, and other expenses attending the adjustment of boundaries under the Treaty of Butte des Morts, contained in the act of twentieth May, one thousand eight hundred and thirty, making appropriations to carry into effect the said treaty, five hundred and fourteen dollars and sixty two cents.

Sec. 2. *And be it further enacted,* That the following sums being unexpended balances of former appropriations, be, and the same are hereby re-appropriated to the several objects of the original appropriation, respectively, to be paid out of any money in the Treasury not otherwise appropriated, viz: for the exchange of land with the Indians, and for their removal west of the Mississippi, by act of twenty eighth May, one thousand eight hundred and thirty, two hundred and eighty dollars and six cents.

For defraying the expenses of an expedition fitted out, consisting of the Militia of Georgia and Florida, for the suppression of the aggressions of the Indians on their frontiers, three thousand eight hundred and thirty-nine dollars and eighty-six cents.

For carrying into effect the Treaty with the Winnebagoes, by act of twenty fifth March, one thousand eight hundred and thirty, the following sums, viz:

For payment of claims provided for by fourth article, one hundred and fifty-eight dollars and seventy-two cents.

For expense of surveying the boundaries, nine hundred and forty-five dollars and forty-six cents.

For carrying into effect the treaty of twelve-mile July, one thousand eight hundred and twenty-nine, with the Chippeways, Ottoways, and Pottawattamies, by act of twenty-fifth March, one thousand eight hundred and thirty, for the expense of surveying the boundaries, six hundred and seven dollars and ten cents.

For carrying into effect a treaty with the Choctaw Indians of eleventh October, one thousand eight hundred and twenty, by act of second March, one thousand eight hundred and twenty-seven, the balance re-appropriated thirtieth April, one thousand eight hundred and thirty, sixty-three dollars and forty-seven cents.

For defraying the expenses of holding a treaty with the Cherokees for the purpose of extinguishing their claim to as much land as will be necessary for a canal to connect the Highwassee and Canasaga with each other, by act of second March, one thousand eight hundred and twenty-seven, the balances re-appropriated thirtieth April, one thousand eight hundred and thirty, two thousand four hundred and fifty-nine dollars and nineteen cents.

A. STEVENSON,
Speaker of the House of Representatives.
HU L. WHITE,
President of the Senate pro tempore.
Approved, March 2, 1833
ANDREW JACKSON.

No 20.

AN ACT further to provide for the collection of Duties on Imports.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, it shall become impracticable, in the judgment of the President, to execute the revenue laws, and collect the duties on imports in the ordinary way, in any collection district, it shall and may be lawful for the President to direct that the custom-house for such district be established and kept in any secure place within some port or harbor of such district, either upon land or on board any vessels; and, in that case, it shall be the duty of the collector to reside at such place, and there to detain all vessels and cargoes arriving within the said district until the duties imposed on said cargoes, by law, be paid, in cash, deducting interest according to existing laws; and in such cases it shall be unlawful to take the vessel or cargo from the custody of the proper officer of the customs, unless by process from some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons too great to be overcome by the officers of the customs, it shall and may be lawful for the President of the United States, or such person or persons as he shall have empowered for that purpose, to employ such part of the land or naval forces, or militia of the United States as may be deemed necessary for the purpose of preventing the removal of such vessel or cargo, and protecting the officers of the customs in retaining the custody thereof.

Sec. 2. *And be it further enacted,* That the jurisdiction of the circuit courts of the United States shall extend to all cases, in law or equity, arising under the revenue laws of the United States, for which other provisions are not already made by law; and if any person shall receive any injury to his person or property for or on account of any act by him done, under any law of the United States, for the protection of the revenue or the collection of duties on imports, he shall be entitled to maintain suit for damage therefor in the circuit court of the United States in the district wherein the party doing the injury may reside, or shall be be found. And all property taken or detained by any officer or other person under authority of any revenue law of the United States shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof. And if any person shall dispossess or rescue, or attempt to dispossess or rescue, any property so taken or detained as aforesaid, or shall aid or assist therein, such person shall be deemed guilty of a misdemeanor, and shall be liable to such punishment as is provided by the twenty-second section of the act for the punishment of certain crimes against the United States, approved the thirtieth day of April, Anno Domini one thousand seven hundred and ninety, for the wilful obstruction or resistance of officers in the service of process.

Sec. 3. *And be it further enacted,* That in any case where suit or prosecution shall be commenced in a court of any State against any officer of the United States, or other person, for or on account of any act done under the *revenue* laws of the United States, or under color thereof, or for or on account of any right, authority or, title, set up or claimed by such officer, or other person, under any such law of the United States, it shall be lawful for the defendant in such suit, or prosecution, at any time before trial, upon a petition to the circuit court of the United States, in and for the district in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate signed by an attorney or counsellor at law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth, that, as counsel to the petitioner, he has examined the proceedings against him, and has carefully inquired into all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit and certificate, shall be presented to the said circuit court, if in session, and if not, to the clerk thereof, at his office, and shall be filed in said office, and the cause shall be thereupon entered on the docket of said court, and shall be thereafter proceeded in as a cause originally commenced in that court; and it shall be the duty of the clerk of said court, if the suit were commenced in the court below by summons, to issue a writ of certiorari to the State court, requiring said court to send to the said circuit court the record and proceedings in said cause; or if it were commenced by capias, he shall issue a writ of habeas corpus cum causa, a duplicate of which said writ shall be delivered to the clerk of the State court, or left at his office by the marshal of the district, or his deputy, or some person duly authorized thereto; and, thereupon it shall be the duty of the said State court to stay all further proceedings in such cause, and the said suit, or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be deemed and taken to be moved to the said circuit court, and any further proceedings, trial or judgment therein in the State court shall be wholly null and void. And if the defendant in any such suit be in actual custody on mesne process thereto, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the said cause according to the rules of law and the order of the circuit court, or of any judge thereof, in vacation. And all attachments made and all bail and other security given upon such suit, or prosecution, shall be and continue in like force and effect, as if the said suit or prosecution, had proceeded to final judgment and execution in the State court. And if, upon the removal of any such suit, or prosecution, it shall be made to appear to the said circuit court that no copy of the record and proceedings therein, in the State court, can be obtained, it shall be lawful for said circuit court to allow and require the plaintiff to proceed *de novo*, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court; and on failure of so proceeding, judgment of *non pros.* may be rendered against the plaintiff with costs for the defendant.

Sec. 4. *And be it further enacted,* That in any case in which any party is, or may be by law, entitled to copies of the record and proceedings in any suit or prosecution in any State court, to be used in any court of the United States, if the clerk of said State court, shall, upon demand, and the payment or tender of the legal fees, refuse or neglect to deliver to such party certified copies of such record and proceedings, the court of the United States in which such record and proceedings may be needed, on proof, by affidavit, that the clerk of such State court has refused or neglected to deliver copies thereof, on demand as aforesaid, may direct and allow such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment, may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

Sec. 5. *And be it further enacted,* That whenever the President of the United States shall be officially informed, by the authorities of any State, or by a judge of any circuit or district court of the United States, in the State, that, within the limits of such State, any law or laws of the United States, or the execution thereof, or of any process from the courts of the United States is obstructed by the employment of military force, or by any other unlawful means, too great to be overcome by the ordinary course of judicial proceeding, or by the powers vested in the marshal by existing laws, it shall be lawful for him, the President of the United States, forthwith to issue his proclamation, declaring such fact or information, and requiring all such military and other force forthwith to disperse; and if at any time after issuing such proclamation, any such opposition or obstruction shall be made, in the manner or by the means aforesaid, the President shall be, and hereby is, authorized, promptly to employ such means to suppress the same, and to cause the said laws or process to be duly executed, as are authorized and provided in the cases therein mentioned by the act of the twenty-eighth of February, one thousand seven hundred and ninety-five, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, and to repeal the act now in force for that purpose;" and also, by the act of the third of March, one thousand eight hundred and seven, entitled "An act authorizing the employment of the land and naval forces of the United States in cases of insurrection."

Sec. 6. *And be it further enacted,* That in any State where the jails are not allowed to be used for the imprisonment of persons arrested or committed under the laws of the United States, or where houses are not allowed to be so used, it shall and may be lawful for any marshal, under the direction of the Judge of the United States for the proper district, to use other convenient places, within the limits of said State, and to make such other provision as he may deem expedient and necessary for that purpose.

Sec. 7. *And be it further enacted,* That either of the justices of the Supreme Court, or a judge of any district court of the United States, in addition to the authority already conferred by law, shall have power to grant writs of habeas corpus in all cases of a prisoner or prisoners, in jail or confinement, where he or they shall be committed or confined on, or by any authority of law, for any act done, or omitted to be done, in pursuance of a law of the United States, or any order, process, or decree, of any judge or court thereof, any thing in any act of Congress to the contrary notwithstanding. And if any person or persons to whom such writ of habeas corpus may be directed, shall refuse to obey the same, or shall neglect or refuse to make return, or shall make a false return thereto, in addition to the remedies already given by law, he or they shall be deemed and taken to be guilty of a misdemeanor, and shall, on conviction before any court of competent jurisdiction, be punished by fine, not exceeding one thousand dollars, and by imprisonment, not exceeding six months or by either, according to the nature and aggravation of the case.

Sec. 8. *And be it further enacted,* That the several provisions contained in the first and fifth sections of this act, shall be in force until the end of the next session of Congress and no longer.

Approved, March 2, 1833.

No. 21.

AN ACT to explain and amend the eighteenth section of "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth July, one thousand eight hundred and thirty-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all articles upon which the duties were reduced by "An act to alter and amend the several acts imposing duties on imports," approved the fourteenth July, one thousand eight hundred and thirty-two, and which may not have been deposited under the provisions of the eighteenth section of the act aforesaid, whether the said articles were imported, or the duties thereon were secured or paid, before or after the passage of said act, may, to obtain the benefit of said act and this amendment thereto, be deposited at any time before the first of April next, in the custom-house stores, or in the manner prescribed in the following section, by the importer, consignee, or any subsequent purchaser or owner, and all wines now in bond, or which may be imported at any time previous to the fourth day of March one thousand eight hundred and thirty-four, and which may remain in the custody of the customs on that day, shall be entitled to the benefit of this act, and of that to which it is an amendment: *Provided.* That no merchandise imported in packages, bales, or sacks, shall be entitled to the benefit of this act, or of that to which it is an amendment, unless they are as originally imported; and that all articles placed in the custody of the customs under this act shall so remain, for inspection and examination, till the fourth day of March next: *Provided also,* That nothing contained in this act shall be so construed as to extend the provisions thereof to any merchandise, which under the existing laws would not be entitled to the benefits of drawback.

Sec. 2. *And be it further enacted,* That in all cases where the quantity of merchandise entitled to the benefit of the acts aforesaid shall exceed ten packages, bales, or sacks, or where the article may be in bulk, or otherwise than in packages, bales, or casks, the collector of the district where the same may be is hereby authorised to direct that the said merchandise shall not be removed from the warehouse of the owner, but that the same shall be there placed in the custody of a proper officer of the customs, who shall examine the same, and keep them under the keys of the custom-house, till the first of April as aforesaid: *Provided,* The collector shall consider the same a safe place of deposite, and application be made to him for that purpose on or before the twenty-fifth March next.

Sec. 3. *And be it further enacted,* That all articles remaining under the control of the proper officer of the customs, according to the provisions of this act, on the first day of April next, and all wines which shall remain in the same manner after the fourth day of March one thousand eight hundred and thirty-four, shall be subject to no higher duty than would be levied under the act aforementioned, approved the fourteenth of July last; and if any higher duty shall have been paid, such excess shall be refunded, out of any money in the Treasury not otherwise appropriated, to the person placing the same in the custody of the customs and any outstanding bond or bonds which may have been given for duties on the same shall be cancelled; and if a sum equal to the amount of duties levied by the said act of the fourteenth July, shall not have been collected, and the bond or bonds given shall amount to more than the duties imposed by said act, the Secretary of the Treasury shall direct that a debenture certificate or certificates, the form of which shall be prescribed by him for such excess of duty, shall be issued to the persons placing the same in the custody of the customs, payable out of the bond or bonds given for duties on the same. *The collectors to give the debtors credit on their bonds for the difference between the high and low duties, and to cancel the bonds on payment of the balance.*

Sec. 4. *And be it further enacted,* That the Secretary of the Treasury shall cause the amount of excess of duties, as aforesaid, to be ascertained and paid, or the credit given, as the case may be, as soon as practicable after the first of April next; and that he shall be authorized to cause all articles under the control of the proper officers of the customs to be examined; and, where the merchandise may have passed out of the possession of the importer or consignee, to require satisfactory evidence of the transfers, to identify the same; and to make all other rules and regulations which may be necessary and proper to carry this act into effect.

Sec. 5. *And be it further enacted,* That the Secretary of the Treasury is hereby authorised and directed to extend relief to all persons, whose cases are provided for in this act, who may have been deprived of the benefit thereof in consequence of the collectors not having received his instructions in pursuance of it, from the Secretary of the Treasury.

Sec. 6. *And be it further enacted,* That the seventeenth section of the aforesaid act of the fourteenth day of July one thousand eight hundred and thirty-two as far as the same relates to the duty on pulverized or crushed sugar, shall take effect on the fourth day of March, of the present year.

Approved, March 2, 1833.

LOOK AT THIS!

The subscriber offers for Sale, or Lease,

300 ACRES OF LAND,

LYING in the County of Burke, on the main road leading from Statesville to Lovelady ford, on the Catawba river, and to Morganton; it is considered as one of the best stands for a store in that part of the country, and perhaps not excelled for its richness of

GOLD.

Further particulars are deemed unnecessary; Persons desirous to purchase or lease, will please call upon Mr. Joseph Shaffer, on the main stage road from Statesville to Morganton, who will give all necessary information. It can be let out in small lots to suit convenience.

3:70—PAID. PETER HARMON.

Burke County, March 18th 1833

NEW BINDERY.

WITH a view to the more efficient prosecution of their business, the Subscribers have established a

BOOK-BINDERY.

Having procured the best Materials from the North, and employed a Workman who comes well recommended, they are prepared to execute on moderate terms, all orders in this line.

Account Books, Records, &c. ruled and made to order: and every kind of Binding promptly executed in the best and neatest manner, on reasonable terms

36:f J. GALES & SON.

Raleigh, Aug.

CHARLESTON and CHERAW,

THE STEAM BOAT MACON

CAPT. J. C. GRAHAM having been engaged last summer, in running between Charleston and Cheraw calling at Geo. Town on her way up and down, will resume her Trips in the course of a few days and is intended to be continued in the trade the ensuing season.

Her exceeding light draft of Water drawing when loaded only about four and a half feet water will enable her to reach Cheraw at all times except, an uncommon low river, when her cargo will be lightened: the Expence of Boat.

J. B CLOGH.

Charleston Sept 25, 1831

N. B. She has comfortable accommodations for a few passengers. 92tf

J. B. C.

JOB PRINTING

EXECUTED WITH NEATNESS And DISPATCH,

AT THIS OFFICE.

NEW FANCY SPRING & SUMMER GOODS.

HACKETT & LEMLY

ARE now receiving and opening a general assortment of

SPRING & SUMMER GOODS,

selected with great care from the markets of New-York and Philadelphia of the latest importations. Their stock consists in part of

Superfine Blue and Black cloths
Do. Brown & Brown olive do.
Do. invisible Green do.
Fancy Cassimeres, Sattinette & black lastings,
Merino do's., Brochellas and circassians,
Brown do's., Mixed Erminette,
Yellow Nankeen and linen checks,
French and plaid Drillings,
Mexican mixture, Grass linen,
English cassinette, German & Irish linens,
Linen Table and towel diaper, &c.

A GENERAL ASSORTMENT OF

Marseilles, and Velentia Vestings,

A GREAT VARIETY OF FANCY

Prints, Ginghams and Muslins,
Tickings, Bleached and Brown,
Sheetings and Shirtings,
Furniture dimity and Cotton fringes,
Black Italian Silk,
Scenchew & sarsinet do.
Blue black silk cambletts,
Cha. gros de Naples,
Milanese and de Romania Gause,
Pongee, flag and bandana Handkerchiefs,
Crimson Pongee do.
Fancy Gause and Crape do.
Scarfs, silk sattin, and rich figured vestings,
Silk and cotton Hosiery.

A GREAT VARIETY of RICH

Fancy bonnet, belt and cap ribbons,
Silk aprons,
Linen cambric handkerchiefs, fans, &c.
Diamond Straw Bonnets,
Polish do. do
Belgian do. do., Palm leaf hats,
Leghorn bonnets, fur and wool do.

A GREAT VARIETY OF

Latin and Greek School Books,
Shoes, Morocco skins,
Hardware and Cutlery,
Glass and Crockery-ware, &c. &c.

A GENERAL ASSORTMENT OF

Carpenter's Tools, consisting of every article made use of by Carpenters in this part of the Country,
Sadler's Trimmings,
Plated, Brass Jappan, and Prince's mettle,
Harness mounting, coach fringe and lace,
A good assortment of Groceries, &c &c.

ALL of which, they are determined to sell as low as goods can be had in this part of the country. Purchasers will do well to call and see our stock and hear prices before they buy.

H. & L. are grateful to the Public for their very liberal patronage heretofore, and hope by strict attention to business, and selling goods cheap, to merit a continuance of the same. 21tf

Salisbury, April 28th 1832.

AN ELECTION

WILL be opened and held at the Court House in Salisbury on Monday the 8th day of April next (being Easter Monday) to elect Seven suitable persons to serve as Wardens of the Poor in Rowan County for the next three years ensuing. All persons are entitled to vote, who are qualified voters for Commoners at the Legislature of N. C. for said County

3:69 F SLATER *Shff.*

Salisbury March 11th 1833.

CHERAW.

THE Subscribers offers to the public, and will continue to keep on hand, a very large, and general assortment of

Groceries, Hard-Ware,
Cutlery, Crockery,
Saddlery, Iron,
steel and salt,

With a snug Selection of

DRY GOODS;

On the Lowest Possible Terms.

Liberal advances, in cash, will be made to those who prefer storing cotton or other produce.—And the highest of the market prices will be paid in CASH or BARTER, to those who wish to sell 58

JOHN SCOTT.

Cheraw, Jan 8, 1833.

BENJAMIN FRALEY

TAILOR,

HAVING removed to the house formerly occupied by Samuel Fraley, as a confectionary shop; a few doors above Mr Slaughter's Tavern, where he is prepared to accommodate all those who may favor him with their patronage. He has just received from New-York and Philadelphia, the latest fashions, as imported from Paris, and London, and having a good number of first rate workmen, in his employ, he will do work on the shortest notice—cut and made in a superior style to any in this part of the country, and warranted to fit well. All kinds of cutting will be done on the shortest notice. All orders for work, from a distance will be promptly attended to.

Being an Agent for the patent-right cutting for Saguse, or Wilson, of New York, and also for A. Ward, of Philadelphia, he will instruct any Tailor, that may want instruction in cutting clothing.

He returns his sincere thanks to his friends and the public generally, for the liberal patronage bestowed upon him, and hopes to merit it further, by a strict attention to business.

50tf B F.

NOTICE.

THE Certificate for Four Shares of the Capital or Joint Stock of the Bank of Cape Fear, in the name of William Oakes, dec'd., late of Rowan County, N. C. having been mislaid. Notice is therefore hereby given to all persons concerned, that, I shall apply to the President of the said Bank, either in person, or by agent, to issue duplicates thereof.

WM LONG, *Admr.*

Salisbury, Feb. 25, 1833. 1873